

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re: ) Chapter 11  
 )  
W.R. GRACE CO., et al., ) Case No. 01-1139 (JKF)  
 )  
 ) Jointly Administered  
Debtors. )  
 )  
 ) **Hearing Date: August 22, 2005 @ 12:00pm**  
 ) **Objections Deadline: August 5, 2005 @ 4:00pm**

**MOTION OF SPEIGHTS & RUNYAN TO QUASH SUBPOENA**

Speights & Runyan, reserving all other legal and substantive objections including the validity of the subpoena, by and through undersigned counsel, hereby moves this Court to Quash or in the alternative for a Protective Order from the debtor's subpoena (the "Subpoena") for lack of proper notice. This Motion is supported by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure as well as the case law interpreting the same. In support of this Motion, Speights & Runyan would respectfully show as follows:

1. By this motion, Speights & Runyan seeks the Court's protection from a Subpoena served by the debtors on Monday July 11, 2005, wherein the debtors demanded Speights & Runyan to produce documentation on 2900 claims by July 15, 2005, or within three (3) business days.
2. On Tuesday, July 12, 2005 three of the four lawyers in Speights & Runyan traveled to Washington, D.C. for a meet and confer on July 13, 2005 at the offices of Kirkand and Ellis. The remaining member only abstained due to recent surgery.

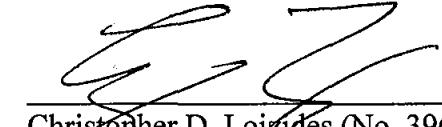
3. Speights & Runyan offered to, with more time, provide all pertinent information sought in the Subpoena in excess of what is required by the rules. Counsel for the debtors has refused this offer, desiring to force Speights and Runyan to respond to the Subpoena or appear in Court. This merely continues the abuse of process by counsel for the debtors with the only apparent motive being to generate larger fees, and derogate Speights & Runyan before the Court without providing Speights & Runyan a reasonable opportunity to respond.

4. As basis for the motion, Speights & Runyan would show that Mr. Speights was not served until Monday, July 11, 2005. Because Wednesday July 13, 2005 was already scheduled for a meet and confer concerning another discovery matter and because counsel for the debtors desired the meet and confer to be at their office in Washington, D.C., two of the three days available to respond to the improper subpoena have been devoured by travel to and from as well as attendance at the meeting. Notwithstanding the travel demands generated by unnecessary and superfluous discovery, there is still not enough time to respond either with production or a more thorough legal justification for objection.

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WHEREFORE, reserving all other procedural and substantive objections including the validity of the Subpoena, Speights & Runyan respectfully requests that the Court Quash the Subpoena or in the alternative grant a Protective Order as requested in the Motion and grant such other and further relief as is just and proper.

Dated: July 15, 2005

  
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